

Attorney's Docket No.: 11926-015002  
Client's Ref. No.: 0017.CIP3DIV1

**OFFICIAL COMMUNICATION**

**FACSIMILE**

**FOR THE PERSONAL ATTENTION OF:**

**EXAMINER A. CHAKRABARTI**

**COMMISSIONER FOR PATENTS**

**WASHINGTON, D.C. 20231**

**GROUP 1634 FAX NO: 703-746-4979**

Number of pages including this page 3

Applicant : Vincent P. Stanton, Jr.  
Serial No. : 09/963,333  
Filed : September 24, 2001

Art Unit : 1634  
Examiner : A. CHAKRABARTI

**FACSIMILE COMMUNICATION**

Title : THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING  
UTILITY IN DETERMINING THE TREATMENT OF DISEASE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is a signed Declaration Regarding Incorporation by Reference, faxed this 19<sup>th</sup> day of June, 2003, to Group 1634, the United States Patent and Trademark Office. Please consider this Declaration prior to issuance of the patent.

Respectfully submitted,  
Anita L. Meiklejohn, Ph.D.

Date: June 19, 2003  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.                      Art Unit :  
Serial No. : 09/963,333                                      Examiner :  
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Title : THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING  
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Commissioner for Patents  
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DECLARATION REGARDING INCORPORATION BY REFERENCE

Applicant hereby declares that the Sequence Listing appended hereto consists of the same sequence information incorporated by reference in the application by reference to the GenBank® Identifier for each sequence.

The sequence of SEQ ID NO:1 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number X02308 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number X02308 is assigned to the version identifier GI:37478. Appendix D attached hereto is a printout from the GenBank® database of GenBank® Accession Number X02308 [GI:37478]. According to the GenBank® database, this sequence has not been updated since April 21, 1993.

The sequence of SEQ ID NO:2 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number D00517 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number D00517 is assigned to the version identifier GI:220133. Appendix E attached hereto is a printout from the GenBank® database of

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Vincent P. Stanton, Jr.  
Serial No. :  
Filed : HEREWITH  
Page : 2

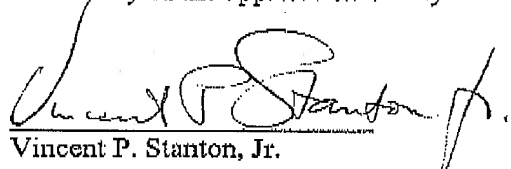
Attorney's Docket No.: 11926-015002

GenBank® Accession Number D00517 [GI: 220133]. According to the GenBank® database, this sequence has not been updated since April 29, 1993.

The sequence of SEQ ID NO:3 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number D00596 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number D00596 is assigned to the version identifier GI: 220135. Appendix F attached hereto is a printout from the GenBank® database of GenBank® Accession Number D00596 [GI: 220135]. According to the GenBank® database, this sequence has not been updated since April 29, 1993.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4/22/03  
Date

  
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